

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREENSPRINGS BAPTIST CHRISTIAN FELLOWSHIP TRUST, Plaintiff, v. JAMES P. CILLEY, an individual; MARK A. SCHMUCK, an individual; and TEMMERMAN, CILLEY & KOHLMANN, LLP, Defendants.

) Case No. 09-1054 SC  
) ORDER DENYING PLAINTIFF'S  
) MOTION FOR ATTORNEYS' FEES  
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On May 26, 2011, the Court denied the anti-SLAPP motion to strike this action filed by Defendants James P. Cilley, Mark A. Schmuck, and the law firm of Temmerman, Cilley & Kohlmann, LLP ("Defendants"). ECF 131. Now before the Court is Plaintiff Greensprings Baptist Christian Fellowship Trust's ("Greensprings") fully briefed motion for attorneys' fees as a prevailing party on an anti-SLAPP motion under section 425.16(c)(1) of California's Code of Civil Procedure. ECF Nos. 133 ("Mot."), 139 ("Opp'n"), 144 ("Reply").

A plaintiff who prevails on an anti-SLAPP motion to strike is entitled to attorneys' fees "[i]f the court finds that a special motion to strike is frivolous or is solely intended to cause

1 unnecessary delay." Cal. Civ. Proc. Code § 425.16(c)(1); see id. §  
2 128.5. Having considered all the papers before the Court and the  
3 arguments made therein, the Court determines that Defendants' anti-  
4 SLAPP motion was neither frivolous nor solely intended to cause  
5 unnecessary delay. Accordingly, it DENIES Plaintiff's Motion.

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7 IT IS SO ORDERED.  
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9 Dated: August 8, 2011

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UNITED STATES DISTRICT JUDGE